

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WAYNE E. JONES,

Plaintiff,

v.

WASCO STATE PRISON, *et al.*,

Defendants.

Case No. 1:23-cv-00543-BAM (PC)

**ORDER STRIKING UNSIGNED FIRST
AMENDED COMPLAINT AND REQUIRING
PLAINTIFF TO FILE A SIGNED FIRST
AMENDED COMPLAINT**

(ECF No. 15)

THIRTY (30) DAY DEADLINE

Plaintiff Wayne E. Jones (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

On June 28, 2023, the Court screened the complaint and granted Plaintiff leave to file a first amended complaint curing the identified deficiencies, or to file a notice of voluntary dismissal. (ECF No. 13.)

Currently before the Court is Plaintiff’s first amended complaint, filed July 25, 2023. (ECF No. 15.) In preparing to screen the first amended complaint, pursuant to 28 U.S.C. § 1915A(a), the Court noted that the document is not signed. (ECF No. 15, p. 9.) Rather, Plaintiff has written in the space allotted for his signature: “I refuse to sign this petition because it my [sic] violate my Federal privacy Rights of 1983.” (*Id.*) Plaintiff does not explain how signing the first amended complaint will or might violate any of his rights, nor did he raise previous

1 concerns when he signed the original complaint or his motion to proceed in this case *in forma*
2 *pauperis*. (See ECF No. 1, p. 3; ECF No. 7, p. 2.) The Court is also not aware of any rights that
3 would be violated by the signing of a first amended complaint.

4 Both the Federal Rules of Civil Procedure and this Court's Local Rules require that all
5 filed pleadings, motions and papers be signed by at least one attorney of record or by the party
6 personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff's
7 first amended complaint is unsigned, the Court must strike it from the record. Plaintiff will be
8 permitted an opportunity to file a signed complaint that complies with the Federal Rules of Civil
9 Procedure and the Local Rules.

10 Based on the foregoing, it is HEREBY ORDERED that:

- 11 1. Plaintiff's first amended complaint, filed July 25, 2023, (ECF No. 15), is STRICKEN
12 from the record for lack of signature;
- 13 2. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
- 14 3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file a
15 **signed** first amended complaint, or a notice of voluntary dismissal; and
- 16 4. **Plaintiff is warned that the failure to comply with this order will result in**
17 **dismissal of this action, with prejudice, for failure to obey a court order and for**
18 **failure to state a claim.**

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20 IT IS SO ORDERED.

21 Dated: July 26, 2023

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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